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18 July 1984

NOTE FOR THE RECORD

1. On 19 July 1984, the following six GAO staffers will meet in the Comptroller's conference room (7C42) to review Agency procurement regulations, finance files, and contracts related to funds utilized by the Agency for research studies [redacted] The meeting will be held at 2 pm. STAT

James Spencer, TS clearance
David Lowe, TS clearance
John Alamilla, TS clearance
Ralph Lange, TS clearance
Gregory Pugnetti, Secret clearance
Gregory Fletcher, Secret clearance

2. The Agency will be represented by [redacted], Office of Finance STAT [redacted] Office of Logistics [redacted] DI Planning STAT Group, in addition to representatives of the Comptroller's office and the Office of Legislative Liaison.

3. The GAO staffers will be permitted to take notes but not retain any of the documents reviewed. If desired, plans will be made for GAO to interview DI analysts involved in the studies conducted on behalf of [redacted] STAT

[redacted] STAT

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GAO ACCESS TO CIA RECORDS

Under 31 U.S.C. 716, GAO generally has access to the records of federal agencies. Under 50 U.S.C. 403j(b) the Director of CIA can approve unvouchered expenditures for objects of a confidential, extraordinary, or emergency nature. Such expenditures are not subject to review by GAO. This exemption for unvouchered expenditures of the CIA was repeated as part of the special access authority granted to GAO in 1980 for reviewing unvouchered accounts (31 U.S.C. 3524(d)). In addition, 31 U.S.C. 3524(c) provides an exemption from GAO access for financial transactions about sensitive foreign intelligence and counter-intelligence. However, only the President may invoke this exemption. Consequently, if material GAO seeks access to is not related to an unvouchered expenditure or is not certified by the President under 31 U.S.C. 3524(c), it can not be withheld.

A related but separable issue to access rights is access enforcement. Here, under the General Accounting Office Act of 1980, GAO is authorized to institute legal action to compel the production of documents, except in certain limited circumstances. Included in the exemptions from judicial enforcement are activities designated by the President as foreign intelligence or foreign counter-intelligence; instances where the requested material is specifically exempted from disclosure to GAO by statute; and instances where the requested material falls under either of two Freedom of Information Act exemptions related to interagency or intra-agency memoranda or investigatory documents compiled for law enforcement purposes. Either of these two FOIA exemptions can be envoked only if accompanied by a presidential or Director, OMB, certification that disclosure of such material could be expected to substantially impair the operations of the Government (31 U.S.C. 716(d)).

[redacted] STAT

This provides enough references to get CIA attorneys started. I'll be out of town 7/16-20 so if you need to get in touch on [redacted] research projects assignment STAT please call my boss, [redacted] STAT Any other matters can probably wait until I'm back on 7/23. Also enclosed is the Pressler request letter and the distribution instructions from the [redacted] report. Thanks STAT

[redacted] STAT

P.S.- I just was told by the staff that Chrmn. Bennett wrote to the CIA on June 29th about the Guatemala assessment. If you need further info. re/ anything I work on that project, just contact [redacted] STAT

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